№ 2(50)
January 2000

The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna"



Mikhail CHYGIR (in the centre)

THE PROCESS IS ON...

ON JANUARY 19 THE MINSK CITY COURT STARTED ITS EXAMINATION THE CRIMINAL CASE AGAINST FORMER PRIME MINISTER MIKHAIL CHYGIR

Mikhail Chygir explained the reasons for his arrest and criminal persecution to the journalists in the courtroom in the following way: "The criminal proceedings were instituted against me on political grounds. When I came back from Moscow, nobody had subpoenaed and interrogated me. But hardly had I mentioned that I would nominate myself for elections, I immediately found myself in "Valadarka" (prison). Nobody tries to dispute this pure truth. The authorities don't even try to recall that M.Chygir has nominated himself for elections and was arrested during the election campaign. M.Chygir is charged under Art. 166 p.2, Art. 167 p. 1 and 2 and Art. 168 (power abuse, negligence, and power abuse when he was head of "Belagraprambank" and prime Minister of Belarus). M.Chygir's barristers and he himself say that this case has been fabricated from the very beginning and the investigation leaves much to be desired.

Nevertheless, being arrested on March 30, 1999 M.Chygir had done 8 months in prison and only on November 30 he was released on written pledge not flee from prosecution. First the court sitting had been appointed on December 27 last year but then it was postponed. But on December 19 the Minsk City Court started the trial...

At the first court sitting a lot of people who wanted to support M.Chygir came. German ambassador Mr. Vinkelman, French ambassador Mr. Fasier, representative of the British Embassy and the OSCE Mr. Kleiner, famous Balarusan politicians, Mass Media representatives among them. A lot of people who failed to be admitted in the courtroom, stood in corridors, passages and on the stairs. They recited their demand: "Open trial!.."

M.Chygir's barrister – his wife Yulia Chygir – issued a petition on behalf of his husband expressing his distrust in the state prosecutor – prosecutor Zhyngel – as on December 13 at the trial he broke the procedures of the Criminal Code of the Republic of Belarus. We would like to recall you that the prosecutor had rejected

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CHRONICLE

In the beginning of January, **the last issue of the independent newspaper "Kutseina" (Vitsebsk region) came out. There wasn't an official decree to ban the newspaper. Moreover, there were any criminal proceedings instituted against it though the newspaper permanently published critical articles about local administration. The reason why the newspaper has to suspend its coming out is trivial: heads of local organisations and enterprises under pressure of the City Executive Committee refused to rent a location to the newspaper.**

On 18 January, **Yawgen Asinski was brought a verdict in the Minsk City Court. Under the court verdict Ya.Asinski was accused of breaking article 186.3 (organisation or active participation in mass actions, which are cruelly breaking social order...) and article 201 (p.2) – malicious hooliganism. But the judge Valery Kamisaraw did not agree with classification of a crime offered by the investigation. In the end Ya.Asinski's actions were re-classified by the court: art. 201 (p.2) was changed by art. 187.1 of the Criminal Code of the Republic of Belarus (resistance to the militiaman on duty). As far as art.186.3 is concerned Ya.Asinski was discharged because for a lack of corpus delicti in his actions. Ya.Asinski was sentenced to two years of corrective works on his current working place with 20 per cent to be stopped from his wages.**

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SACKED FOR BEING "TERRORIST"...

In the morning, on January 20, Ales Sarnatsky, Human Rights Centre "Viasna" staff member, came to his working place to the Minsk carriage repair plant. He was surprised to see the unprecedented number of militiamen on its territory. But Ales didn't pay much attention to it, changed into working clothes and intended to start his work. Suddenly the foreman came up to him and said that the militiamen were waiting for him. The militia colonel, who had not introduced himself, ordered A.Sarnatsky to show him his closet. The militiamen found nothing in it except for a small stick "Stop-Luka!" which was left from the Freedom March. The colonel asked Ales who-se was it. A.Sarnatsky answered that it was his. The militiamen apprehended him at onece and without any explanations took him to the Maskowsky Department of Internal Affairs. There he had been kept for 2 hours. Then he was released without any explanations to the detention and making a report. In the militia Ales had heard a militiamen talking that in the morning they had got an anonymous phone call saying that there was a bomb in A.Sarnatsky's closet. That's why the militiamen had looked for a bomb in the Ales's closet. When A.Sarnatsky came back to his work, deputy head of the plant insisted on his voluntary resignation. A.Sarnatsky had to obey. Thus, Ales was sacked from the plant where he did rather hard and non-prestigious work – he painted carriages. Former criminals and drunkards used to work with Ales. But perhaps such unusual people are in greater demand than Ales Sarnatsky. It should be explained that A.Sarnatsky takes an active part in social and political life, he has been detained arrested many times for participation in the opposition protest during "Minsk Spring" 1996-97. He is a member of the Belarusan Popular Front "Adradzhennie" and Human Rights Centre "Viasna" observer. Such a dangerous terrorist had been spotted by the militiamen and the plant officials.

Now A.Sarnatsky has to look for a new job to maintain his young family.

Information department of the HRC "Viasna"

THE PROCESS IS ON...

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M.Chygir's request for being defended by depute head of Belarusan Helsinki Committee Paganyaila, member of the Moscow board of lawyers. At the same time the prosecutor had rejected M.Chygir's request: to be G.Paganyaila his public counsel for defence, in spite of the fact that in accordance with the Helsinki Agreement and Art. 62 of Constitution of the Republic of Belarus, Criminal Code and the Helsinki Committee Charter, its representative is entitled to represent his interests in court under a citizen's application. And in general, as Yulia Chygir said, Mr. Zhyngel is directly or indirectly interested in this case.

But the court rejected this distrust in Mr. Zhyngel. No wonder, as the authorities keep their eye on this case and prosecutor Zhyngel highly recommended himself from the best side during the trial over three citizens from Magilew, charged with Ya.Mikalutsky's murder, A.Lukashenka's best friend and head of State Control Committee, and with president's assassination attempt.

Judge Alexander Vasilevich asked all those who were in passages to leave the courtroom because as he said such a number of people would disturb the trial. In response Mikhail Chygir's counsel for defence launched a petition to give them other premises as the trial is open and everybody who is willing can come to it. Moreover, this case has become famous on international arena.

As a result the judge had to make a stop in the trial and appoint on the next day in order to sort out the problem with premises.

On January 20, in the morning the City Court was cordoned off by special troops. People were admitted to the courtroom only at 9.30. As the militiamen put it, they had been ordered to admit about 40 people and not to allow people to stand in the courtroom. A number of independent journalists (G.Barbarych, T.Snitko, NTV journalists) and public representatives failed to be admitted. By doing so, the Constitution and law-making process had been violated, which say that all court sittings are open. Stanislaw Bagdankevich, former head of the National Bank, whom M.Chygir would like to see as expert on bank problems, also failed to be admitted. By the way, the defence's petition for it was rejected.

In spite of the defence protests, the court started its examination. The defence launched a number of petitions, and among them the petitions for Barys Gyunter, public defender of the Human Rights Centre "Viasna" presence in the courtroom. In spite of the prosecutor's protest, this petition was satisfied.

All other petitions were rejected.

The defence demanded one month to be given for case examination as it is rather complex (18 volumes). The court gave only 10 days it seems impossible to study Chygir's case in this period. At the end, the judge said that foreign ambassadors have to inform about their presence in the courtroom in advance. The same is applied to journalists.

The trial will renew on January 31.

Our correspondent



V.Shchukin, M.Statkevich, M.Chygir and S.Bagdankevich in the courtroom.

FOUND GUILTY

TRIAL OVER VASIL LYAVONAW, FORMER MINISTER OF AGRICULTURE, AS A MIRROR REFLECTS LUKASHENKA'S ECONOMIC POLICY FAILURE

The more people look for justice, the worse poor economy gets. It's will be enough to recollect and compare what is on our shop shelves and what people are behind bars. Shops are piled with Russian butter and sausages without any taste, which are so widely criticised by housewives. Speaking about Belarusan products, we may say that only potato is left, which is grown in our gardens. But those entrepreneurs and farmer leaders who dared to express their dissatisfaction with the President's economic polity and political situation are in prison. Courts are overloaded with former top executives and farmers' cases. In January Mikhail Chygir, ex-prime Minister, was instituted criminal proceedings against; Andrei Klimaw, deputy and businessman's case is practically over, Yury Feaktystaw, head of the Belarusan Metallurgical Plant, and Uladzimir Zhabinsky, former head of the Gomel Starter Engine Plant, were instituted criminal proceedings against and finally Vasil Lyavonaw. Former Minister of Agriculture was brought a verdict. V.Lyavonaw is sentenced to 4 years in strict regime colony, his property is to be confiscated and he will not be able to run any kind of enterprise for 2 years. The Minister had been behind bars for more than 2 years while the investigation was on. The minister whose story was accompanied with violence, scandals (TV coverage, handcuffs, and official anathema on TV). The country has managed to "succeed" for this period of time – collective farm live stock was saved with the help of oversee grain and by live stock reduction. Poor crop and drought coincided with the leaders' persecution.



Vasil Lyavonaw from behind bars is talking with his daughter.

Vasil Lyavonaw's case has become famous from the very beginning of his arrest. The horrible initial charges (bribe taking, lobbying other companies' interests in return for money, financial operations and even... suspicion of Ya. Mikalutsky's murder) failed to be proved even by highly competent investigation. Finally after being examined by the Supreme Court, the majority of charges (6 of 8) were dropped by the prosecutor. It was oddly found out that Vasil Lyavonaw can be charged with his failure to pay for furniture and food staff in time. All these goods were given by the collective farm "Rassvet" officials. All other fitted sinful things hadn't been proved. Nevertheless the prosecutor started his speech with the episode rejected by the investigation itself – with his acquaintance with the late V.Tkachow, a businessman from Magilew, who was declared to organise a terrorist act in Magilew. As to him he died under unclear circumstances in prison. As this statement has nothing to do with V.Lyavonaw's case, it seems that the recollection of the late V.Tkachow is a propagandist one. Say, this man did two years for something! The Jury had to admit that V.Lyavonaw hadn't lobbied illegal interests, hadn't stored arms, hadn't forced anyone to give bribes. But as the defence thinks, they even failed to find him guilty in getting furniture, meat and vegetables. Firstly, they talk about a large food bribe: 708 kg of pork, 120 kg of beef, centners of tomatoes and cucumbers... His family (4 people) couldn't eat it in the period of one year and the investigation didn't prove that he was selling food staff. Besides, the Lyavonaws grow crops themselves in the greenhouse and their close relatives have a large farm in Magilew region.

The second important fact: the only evidence of "food bribery" are the testimonies given by "Rassvet" head, Vasil Staravoytaw, and his deputy, Alexander Yawstrataw. Though both the witnesses retracted these testimonies and didn't want to speak out in court. Thus, the Jury relied on the testimonies, given by Staravoytaw and Yawstrataw in prison during their pre0trial detention (the investigators had always tried to find connections with V.Lyavonaw's case and Ya.Mikalutsky's murder). But it's known that by the time of trial over "Rassvet" heads A.Yawstrataw and V.Staravoytaw were in a bad psychic condition. V.Staravoytaw, a 75 year old two times Labour hero, was asking to allow him to breathe in fresh air and could hardly stand on his feet. The barristers, who defended Vasil Lyavonaw, presented to the jury confirmation saying that major witnesses, on whose evidence the charges were grounded, suffered from serious illnesses. Barrister Volga Zudava suggested giving to the investigators a special private warning for numerous violations of the code proceedings. Many of the witnesses denied their testimonies during the trial, pointing to illegal, inhuman means of working with them. Thus, one woman was brought to interrogation by force – she was ill, was running a high temperature; some witnesses were openly threatened with imprisonment in case they didn't give evidence against V.Lyavonaw. And Mr. Prakapovich, head of "Rust-invest" who didn't want to say lies, had done 5 months in prison for as if he gave bribes to the Minister (be the way, he was pleaded innocent).

The observers find these cases with so-called bribes absurd. No one has ever seen criminals recognise their crimes with the help of documents. Nevertheless, the prosecution was based on the documents invoices which just prove that they managed finance openly but don't illustrate bribery.

V.Lyavonaw's case is considered to be political and fabricated. Former Agriculture Minister is the man who had never belonged to the opposition, but whose views on agriculture didn't coincide with Lukashenka's economic policy.

Former party leader of Magilew Region, V.Lyavonaw, as people, who known him for long put it has always been rather liberal. Besides in Communist times he defended Lukashenka from possible troubles and even once saved him from prison. Having agreed to become Agriculture Minister at the beginning of Lukashenka's presidency, V.Lyavonaw had had a good experience

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Soldier died in peaceful time, But no one is to blame for his death...

The tragedy came into Mikhail and Ganna Maskalenka's family from Gomel three and a half years ago when their only son Andrei died while doing military service.

Throughout all these years after the tragedy, the soldier's parents had been visited dozens of high judicial and state bodies, had been sending a lot of letters to different addresses asking to examine their son's death. Now being in great grief and pain they finally understood that it's impossible to make their way through the official indifference and mutual responsibility...

Mikhail Mikalaevich appealed to the Gomel branch of the Human Right Centre "Viasna" in order to tell his tragic story one more time, to find sympathy and perhaps help. But what can a public organisation do in this particular case? Maybe just one thing – to tell about Maskalenka's family tragedy in independent press. Let's hope that this article will make officials examine the parents' complaint more attentively and seriously. And maybe public opinion will finally help the Maskalenka to open the doors of ex-President and general prosecutor. Especially as the parents don't expect any wonders to happen and realise that no one will ever return their son and no one will investigate their son's death. But they still want to get a reply to their complaint directly from A.Lukashenka and A.Bazhelka.

I believe that you would agree that having sent their son to military service in peaceful time and having lost him, Mikhail Mikalaevich and Ganna Andreewna have the right to meet the people who run the Belarusan state and bear responsibility for what is going on in the country. They think that in the name of their son's memory they have to get to this last institution. No one will succeed in persuading them to believe in the opposite.

Nevertheless poor parents failed to get to high bodies to express their dissatisfaction with termination of the case on their son's death. Instead they got more than 30 formal replies, saying that the investigation was objective and Andrei committed a suicide and no one is to blame for his death. Now we would like to present some sentences from the parents' complaint with which they appealed to different institutions, demanding a response to the question: who is to blame for Andrei Maskalenka's death? Having investigated it, the parents are sure that it was not a suicide.

"Our son, Andrei Mikhailavich Maskalenka, was conscripted to the Army on January 5, 1996 and sent to the military Unit № 7404 in Baranavichy, Brest Region. Two months later he was transferred to Ivatsevichy where two months later he died. I and my wife visited him in Ivatsevichy on March 15, 1996. During our last meeting our son told me that lieutenant-colonel Karapetaw had proposed him a well-paid work. Andrei had refused. That's why in his opinion he had been transferred from Baranavichy to Ivatsevichy and had been warned that in case he had told anyone about it, he would have been killed. On our arrival we wrote a letter to the general prosecutor's office but we haven't got a reply yet.

On May 11 captain Pron'ka phoned us to inform that our son had committed a suicide, having shot himself in the mouth. It happened on May 10 at 23.15 on guard in watchtower. When I together with my son-in-law arrived at the military unit, the company commander mentioned another time of Andrei's guard (it means his death!) – May 9. According to it, our son had been on guard for two days. It can't be true. No one reacted to it. While I was in the unit I could talk to soldiers. Some of them told me that they had heard the voices of Andrei, Karapetaw, Pron'ka and guard chief at night near the watchtower. Soon they heard a shot. The guys told me that they had already given testimonies about it. But later there

Confrontation

Three incidents, which have happened for the last 5 months in Baranavichy made me write this article. These incidents have had repercussions in the town and they are vivid examples of how human rights are violated. Everything contradicts to common sense. But these are secondary. The most important thing is that these incidents took place in one city in a short period of time and prove open confrontation of largest parties and movements, of citizens and official - people loyal to the regime even in the provinces.



Ales Pikula after «meeting» with militiamen.

The first story.

On September 8 in Baranavichy like in many other towns an action dedicated to Kanstantsin Astrozhsky's victory over Moscow square at Orsha in 1514, was due to take place. An application for a picket had been submitted to the city executive committee. The authorities hadn't any grounds to deny. But Baranavichy city executive committee sent an official letter prohibiting the picket – without any reasons or possible alternative. The City organisation of the BPF headed by Mikalai Severtsaw decided to stage the picket. Of course the militia couldn't but be indifferent to the opposition activities and sent their representatives to it. The militiamen suggested the picket participants to sort out all misunderstandings in the department. Severtsaw thought that it would be talks and voluntarily went to the militia department where he was made a report on staging an unauthorised picket. It's a common situation in Belarus. Trial. The members of the opposition used to accept the authorities' decisions peremptorily but this time barrister Zoya Gawdzey and local human rights defenders stood for Severtsaw. As a result, Mr. Severtsaw was saved. How? The procedure is simple. A complaint against the city executive committee's decision to prohibit the picket was launched. Obviously the court left the decision valid and refused to authorise the picket. But it took more than 2 months and after such a period M.Severtsaw could not be brought to administrative liability as the required time passed. The authori-



Andrei Maskalenka is swearing an oath.

wasn't any of them in the criminal case.

On May 12 Andrei's body was brought home, to Gomel. When we opened the coffin, we were horrified. Despite injury in the right temple, we noticed the swelling in the left ear, a bruise on the neck, scratched skin on the left hand fingers and the imprint of handcuffs on his hand. The left hand was covered with fuel oil there was black ground under his right hand nails. Having examined the wound we didn't notice neither burns nor gunpowder. All these in spite of the investigators affirmation that my son's body hasn't got any injuries. On seeing that on the following day I appealed to the Gomel military prosecutor to phone to Baranavichy to the military prosecutor deputy Mikhasionak and to demand his explanations as their examination didn't coincide with ours. I demanded to undertake one more forensic examination. We were refused.

But I invited two criminal experts for my son's dead body examination. They didn't make any reports but came to the conclusion that the shot in my son's head was made from 5 metres' distance from Kalashnikov gun!

Finally in December after many complaints I was allowed to read the criminal case materials, which were kept by head of one of the General Prosecutor's office Department A.Dowbysh. I noticed that the case, headed and stopped by S.Yawtukhovich, Baranavichy inter-garrison prosecutor's office investigator, had some materials missed. Besides the resolution to stop the criminal case said that our son had committed a suicide by shooting himself in the mouth but the bullet had got in the left ear (!?). They didn't take fingerprints from the trigger and other parts of the gun. There were neither victim nor the scene of the crime photos. By the way nobody could give me a clear answer where the bullet was. It was not enclosed to the case investigation. Instead they enclosed Viktar Tsoy's poems, which they found in Andrei's pocket and qualified them as the post-mortem message (!?). Ensign Viktarovich, head of guard, gave rather conflicting testimony. Let it be on his consciousness.

After numerous appeals to all possible bodies, more than a year later the military prosecutor's office had finally done the dead body exhumation. Under captain V.Chumak's (Baranavichy inter-garrison prosecutor's office investigator) pressure, who was at the cemetery and didn't react to my demands to carry out exhumation in the morgue, they decided to exhume the body simply at the cemetery. I couldn't but notice that the expert didn't take any tests and my demands were left unnoticed. The exhumation took place on July 7 and on 11. I got a reply from A.Anisimaw, military prosecutor assistant, saying that my son had committed a suicide and no one is to blame for his death.

On August 4, 1997 I arrived at the Baranavichy inter-garrison prosecutor's office to get to know the examination conclusions and to read the whole criminal case. Lieutenant-general Mikhasionak, military prosecutor deputy, didn't permit me to do it saying that the general prosecutor's office of the Republic of Belarus had called him and had told him that they were not interested in soling my son's death in the Army. That's why they immediately suggested a suicide..."

Andrei's parents have more claims against the investigation and more arguments to believe that their son had been murdered. But we are not going to cite them as a newspaper article can't throw light on this complex matter and it seems impossible to understand it, and to bring a verdict and to claim who is guilty and who is innocent. It's the investigation, the court and the prosecutor's office's concern. We have got quite another task. We would like other people to know about the Maskalionak's family tragedy. Perhaps it would help the parents not only to get over the grief but also to stand for their civil right to their investigation of their son's death. Moreover, this accident is not unique.

Uladzimir VALEWSKY.

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ties and militia are not accustomed to loose and after that the "member of the opposition" were kept an eye on.

The Second story.

Severtsaw resigned and much younger person, Ales Pikula, took this post (he is also a leader of local organisation of Malady Front). Once Ales together with his friend were walking along one of central streets in Baranavichy sipping beer. Being in a good mood his friend shouted loudly: "Long Live Belarus!" and obviously "Live!" was pronounced in response. The militiamen who are allergic to local "nationalists" appeared and immediately apprehended the guys as real criminals. They acted so rudely that even put too much into it: they dislocated Ales Pikula's arm (almost fractured it). Then the friends were brought to the department by force and gave them reports to sign saying that they were mugging in the streets. They promised that in case they signed, they would be released before the trial (it happened on Friday and the trial was fixed on Monday). Ales's friend signed the report (at the trial he fined for 7.5 min wage) as to Ales himself he refused to sign this lie and was left in custody at weekend. His arm had been aching all Saturday and in the evening it started to turn black. The militiamen didn't react to his complaints and only on Monday at hearing Ales's cellmates' requests took him to medical unit where they plaster on it.

On Monday A.Pikula was found guilty and brought a verdict – 1.5 million rouble fine and 3 days in arrest. Is that all? No, it isn't. Ales together with his barrister – the same Zoya Gawdzey, who defended Severtsaw – wrote a complaint to the city court board. The verdict was nullified and the case was to be re-examined in court. Thus, it was the second prominent "blow" in the court system made by local human rights defenders with the help of Zoya Gawdzey.

The third story.

T.Puzhyk, judge of the city court, suffered more from these "blows". She was engaged in the above-mentioned incidents. Thus at one of the trials, headed by T.Puzhyk and with the participation of the same barrister Zoya Gawdzey, the judge made violations, didn't react to the defence's remarks and generally speaking behaved in an arrogant way. Zoya Gawdzey said that she was recording the trial to show it to the high bodies. Also she pointed that she had a right to it under the criminal procedure and mentioned the article. In response – the judge shouted at her hysterically. The barrister was really shocked.

During the break Zoya Gawdzey complained of heartache and asked to put of the trial. The judge answered: "First you should bring a medical certificate that you are ill, only then I will talk to you!" As a result several minutes later the barrister felt really bad and she was taken by the medical ambulance right from the courtroom. At hospital it was diagnosed as "micro-stroke".

The Belarusan authorities are not used to any resistance. The more in provinces. That's why realising their punishment in the struggle against the most active and determined members of the opposition they resort to the most disgusting means. But don't you think that it's absurd to make a person almost die because of personal hatred?

But in the town people speak of that confrontation given to local authorities and repressive machinery by human rights defenders. But we would say: if even in provinces there are people who confront the authorities openly, it means that not everything has lost, there is still hope for future.

Alyaksei SHYDLOWSKI

Events Facts Comments

(Beginning on p.1)

On 19 January, Ales Abramovich, chairman of the Belarusan Social Democratic Party "Narodnaya Gramada" (Barysaw branch) was arrested near the court building where Mikhail Chygir was charged. It was the first day of court hearings on Mikhail Chygir's case. Ales Abramovich was arrested merely for holding a placard saying "Hands off Mikhail Chygir!" In the charge office he was kept for some five hours. After it he was released because for a lack of "free" judge. On the following day Ales Abramovich was again arrested while approaching the Minsk City Court. But this time Ales was sentenced to seven days in administrative detention. Moreover, the defendant was not allowed even to get to know about his "adventures" to the relatives. Ales Abramovich's relatives in daytime began searching him, who disappeared and was missing for them. What is very important in this situation is the fact that militiamen on duty in the charge office and those in custody centre, which is based in Akrestsin St., refused to give any information about the fate of Ales Abramovich. The arrested opposition member "appeared" three days later when his relatives lost the last hope to find him...

On 20 January, Ex-chairman of the National Bank Tamara Vinnikava who "disappeared" on 8 April 1999 "was found" on 13 December 1999. Talking with Aleg Gulak, executive director of the Belarusan Helsinki Committee, Tamara Vinnkava told that she was preparing for Belarusan mass media an interview. In this interview she is going to give detailed information about how she managed to escaped from her guards and about the circumstances of V.Ganchar and Yu.Zakharanka' disappearances.

On 21 January, Mikalai Ramanaw, driver of the Minsk Automobile Plant working in the transport shop and member of the Free trade union, stood trial in the Minsk Zavadski District Court. The charge sheet puts that on 16 December after working day Mikalai didn't go home but stood near the entrance checkpoint of the Plant and called workers to take part in the unauthorised meeting. On that very day M.Ramanaw was detained and brought to the Minsk Zavadski Administration of Internal Affairs. M.Ramanaw pleaded not guilty on the trial and stated that he was spreading the officially registered newspaper "Rabochy". During court hearings five militiamen who were witnesses on the trial and three guards of the MAP security service gave their testimonies to the court. All of them stated that Mikalai Ramanaw was calling the workers to participate in the unauthorised meeting and gathered two hundred workers near the entrance checkpoint of the Plant. Mikalai Ramanaw's lawyer asked the court about interview of two men who were involved themselves in detention process of M.Ramanaw (one of this two militiamen had broken an M.Marynich's arm – chairman of the Free trade union of steel founders). In connection with this petition the judge was forced to postpone the consideration of the case.

On 24 January, an action "Independence candle" against union state of Russia and Belarus was held in Baranavichy. Action participants were filled with indignation by piece of information (received by mass media) about consultations to be on 25 January between A.Lukashenka and V.Putsin about creation of union bodies of power. M.Severtsaw – observer of the HRC "Viasna" was detained along with V.Klapotski – photo-correspondent of the independent local newspaper "Inter-press" after the action.

On 24 January, James Foully – assistant of the US State Department press secretary, expressed concern about recent actions, which took place in Belarus. He meant the trial over Mikhail Chygirb that had been launched on 19 January, the court verdict to V.Lyavonaw brought on 14 January, political process over A.Klimaw who was severely beaten up by custody guards on 13 December, trial over Ya.Asinski that was conducted on 18 January, persecution of human rights activist A.Vouchak... "The USA government is condemning the rise of repressions in Belarus and is expressing its solidarity with people involved in the process of democratic reforms. We insist on putting an end to political repressions and persecutions against political opponents. The step like that is binding condition for the negotiations between Belarusan authorities and the opposition under the aegis of the OSCE. Otherwise there won't be any success," – is stated in the statement.

On 24 January, the lower chamber of the National Assembly (parliament created by A.Lukashenka) adopted the Election Code under which the parliamentarian elections have to be held in this year in the country. The majority of changes to the Election Code offered by the OSCE and by the opposition were not taken into account and that is why the forthcoming parliamentarian elections cannot be considered democratic. The leaders of all the biggest political parties stated that they would take part in the fair and democratic parliamentarian elections but not in the farce prepared by the authorities.

On 25 January, Uladzimir Baradach – chairman of the public commission on investigation of the circumstances of Yury Zakharanka disappearance, gave an interview to the newspaper "Narodnaya Volya." Though more than eight months have already passed since Yury Zakharanka disappearance (May 8, 1999) the state investigation bodies never answered the questions about what had happened to Y.Zakharanka and where he is now. Moreover, they interfered into work of public commission and instituted criminal proceedings on Yury Zakharanka disappearance only in September when V.Ganchar and A.Krasowski disappeared. Uladzimir Baradach is convinced that Yury Zakharanka is alive, "Today it's easy "to hide" anybody wherever you want even in "unofficial" prison, – believes he. – It is not excepted that Yury Zakharanka could have been arrested and now is kept somewhere in the investigation ward."

On 25 January, court hearings on the case against newspaper "Pressball" were to take place in the Minsk Central District Court. the matter is Rygor Fiodaraw, president of the Belarusan Football Federation, prosecuted on 3 January the above-mentioned newspaper for publication on its pages the information, which insulted on his opinion his honour and dignity. Rygor Fiodaraw estimated the damage brought to him by this publication in 65 milliard roubles (which is about US 80.000 $). The newspaper itself was prosecuted 50 milliard roubles out of 65; U.Berazhkow – editor-in-chief was prosecuted 10 milliard roubles, and U.Berazhkow's assistant editor S.Novikaw was prosecuted 5 milliard roubles. The sum to be paid is unprecedented according to Belarusan standards. And that is why that could only mean the will to make short work of the newspaper and in the end to cause its closure. Nowhere in the civilised world one can face the suit that would cause the closure of the edition. As for the case against newspaper "Pressball" the authorities used already tried way they had applied against newspaper "Naviny" (News)... Though the fact that Rygor Fiodaraw suited the newspaper on 3 January the newspaper received it on 21 January when only four days were left before the trial. That is why the judge Tamara Vinnikava postponed the trial till 16 February.

On 26 January, ten years have passed since adoption of the law "About languages in BSSR" in 1990. Under this law the Belarusan language was recognised the state language (that were the Soviet times). Before adoption of this law the Belarusan language had been devastating for almost 200 years. The hope for national rebirth appeared after 1990. A lot of classes and secondary schools were opened. But A.Lukashenka conducted in 1995 a disgraceful referendum. After it the number of Belarusan classes, schools and kindergartens sharply reduced and is reducing now. Comparing to 1994-1995 academic year when about 60 per cent of the first-formers were taught in the Belarusan language in 1998-1999 aca-demic year only 4.8 per cent is left... 17 Belarusan schools is left in Minsk out of 110; 1 school out of 27 is left in Grodna. Discrimination of the Belarusan language goes on though 82 per cent (which is more than 8 million people) of the Belarusan citizens called themselves Belarusans in the population census conducted in 1999. What is very important 4.5 million people said that they speak the Belarusan language in every day life during the census.

In January, Malady Front began preparations for the celebration of the Saint Valentine Day. On 14 February an action of love will be conducted in Minsk and other Belarusan cities. It is planned that on 13 February the delegation of Belarusan youth will hand its petition to the Minsk-based embassies of the world biggest countries and the central rally will be supported countrywide.

Information department
of the HRC "Viasna"

A SIMPLE PHILOSOPHY

REALII OF OUR LIFE

Once I was travelling by train together with mature or even old men. I was going to the forest to pick up mushrooms and then – to the Ukraine for flour as it's cheaper there. The men were talking all the time and their conversation seemed to me interesting even a little philosophic. Nothing can be helped. Obviously, our life makes our citizens be philosophers in their old age. Though if an ordinary European, a German or a Frenchman had listened to their talk and had realised what they were discussing, he would have been terrified... Meanwhile they were talking about the following...

Throughout all this time (almost a century) our authorities hadn't even tried to make our common people's life more affluent. It can be easily proved: just divide our parents and our own lives' in periods.

Part I. Stalin.

Here there is collectivisation, atheism, GULAG, poverty, starvation, wars and post-war time. The life was so hard that it couldn't be harder. Poverty, dirt, diseases, hard work... Then people had to restore the economy of the country. They worked and hoped for happy future. Let's say if we hadn't enjoyed life, our children would live in communism.

Part II. Khrushchov.

1955-64 thaw. People started moving from dugouts to wooden barracks, from barracks to apartments. It's better than in cow-houses. They gave up gathering rotten potato in spring on collective farm fields. They were becoming more well-off. But all of sudden a new law was made. In accordance with it, peasants hadn't a right to have more domestic animals than Moscow officials wanted. They were afraid that peasants and workers would be rich. But you will not make rich in a collective farm. Finally a Soviet serfdom was abolished and they started issuing passports to peasants. In their turn, peasants moved to cities to look for jobs at plants. People worked, suffered and hopes for happy future.

Part III. Brezhnev.

1965 – 1982 are the years of his ruling. Those who worked realised that they would not improve their lives and decided to put all their effort into their children and grand children's well-being. If they made money, they immediately put it on their bank account thinking: "I had a hard life, but I will help my children to buy a house, an apartment or a car or will give them education". Also people saved money for funerals: their children will not spend money on it. Who knows what peasants and workers think about when saving for old age. To be short, in that time people lived rather modestly – they again thought more about their children and future.

Part IV. Gorbachov.

1984 – 90. As they say, under one decree everybody became poor. The authorities froze all bank accounts. Only officials became wealthier as they had known about money exchange and denomination and had exchanged money for houses, cars, apartments, refrigerators, and dollars. Only little children don't know about that time. Common morals had nothing but start their lives from the very beginning and hope for future. Happy future...

Part V. The present times.

Ask people if they have money? They will answer – we haven't. Their wages and pensions are not enough to buy food staff. Inflation is so high that you can't put money on your bank account, you can't buy dollars either. In case you buy them, you may be penalised or your last estate can be confiscated. So we come to the conclusion that the authorities have never tried to make our people wealthy. Instead we keep on thinking how not to die of hunger, how to make money for buying a piece of sausage, how to save money for new shoes.

I personally have the following ideas. The basic estate is to be handed over from generation to generation. It's the basis of existence and well-being of your family. It may be real estate or money on a bank account. It has to be handed over from parents to their children. People all over the world live under such laws. But we don't

When I entered life, my father gave me money for a ticket to the city. He had nothing to give. What do I have? I have a two-room flat. It costs 5.000$. An average German earns such sum for less than 2 months. But my house can be pulled down as the roof and walls are leaking when it rains, the pipes are rusty. So like my father I have nothing to give to my children. But I have worked through all my life. My wife as well. We haven't earned anything. We haven't got bank account, all our money we spend on medicine.

So people, tell me what to do? How to live? What will we hand over to our offsprings? Maybe only tolerance, obedience and fear of officials.

Mikhail AKULENKA,
worker, 58.

FOUND GUILTY

(Beginning on p.3)

in agriculture reforms on the example of Germany. He also believed that he would apply it to Belarusan agriculture. The last years have been rather hectic and no one paid attention to the fact that Lyavonaw didn't take part in preparations for the referendum of 1996 (in such cases people usually say: "I'm not an expert, I have to do my work without politics"). When in 1997 two times Labour hero V.Staravoytaw together with other "Rassvet" leaders was arrested, Agriculture Minister V.Lyavonaw openly expressed his support for head of this famous collective farm. The regime hadn't forgotten this. It recalled it to intimidate other, so that all other top executives will not dare to show their initiative. Any deviations of the state policy is the direct way to prison.

While entrepreneurs are being sent to prison the black market offers almost a million of Belarusan roubles (a thousand after the denomination) for a dollar. An ordinary person, who is far from politics, starts thinking that: in those times when former Minister, Prime Ministers, businessmen and deputies had not



been found guilty, the country was more affluent. At least people could make both ends meet. Today it's more awful to look upwards as we see in what cesspit we are.

Tatsyana SNITKO

Valery Shchukin

Custody universities

A citizen is to perform only legal demands of the authorities. I've never obeyed illegal ones set forward by the militia and presidential secret services and I'm not going to do it. That's why this time the militiamen from the Central Department of Internal Affairs had to drag me out of the custody Centre in Akrestsin Street by force. They took me to the Minsk Central District Court and threw on the floor in the judge A.Barysenak's study. I stood on my feet and asked him:

— Comrade Barysionak, what does it all mean?

— I am to examine the administrative case, instituted against you by the Central Department of Internal Affairs, - the judge answered.

— Have you sent me a Subpoena?

— No, I haven't.

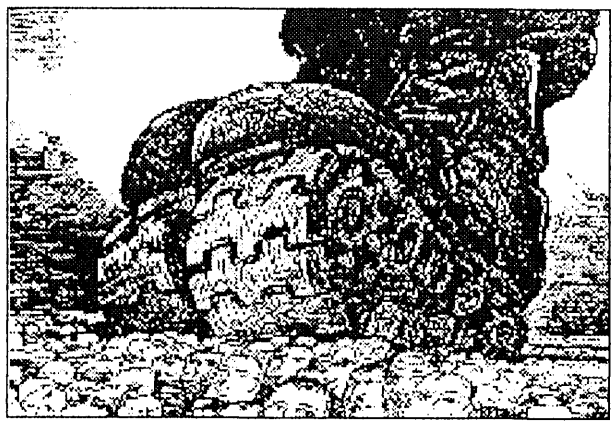
— If not, why did you bring me here by force?

— Silence in response – a silent scene.

Judge Barysionak had nothing but to put off the trial on any other day. As article 247 which is to be read to the detained in a Department of Internal Affairs before case examination says: a citizen can be brought by force only in case he fails to come to court after being subpoenaed. I was taken to court right from the plunk-bed. In this case Judge Barysionak acted under the law. But unfortunately he had no courage to draw a private resolution under article 153 against the head of the Central Department of Internal Affairs on breaking the law. The militiamen, who lost that time, simply made me get out. I had to go to the custody centre in Akrestsin Street to take my clothes throughout the city in a shirt under the coat while it was freezing hard. The Central Department of Internal Affairs didn't find it essential to take back an illegally arrested person. What ceremonies can be spoken of in Belarus with citizens without rights...

Illegal detention and illegal arrest

Judge Barysionak fixed the case hearing on the following day after Catholic Christmas. But it failed to start as at Christmas I was detained and brought to the Savetsky Department



of Internal Affairs. I had been caught at the street crossing near Yakub Kolas Square. Several people who intended to impede the traffic on Skaryna Avenue in order to express their protest against Russian and Belarusan unification were arrested together with me.

Under article 120 violation of traffic rules is fined by 0,1 – 0,5 min. wages. Pedestrians are not made a report against they are usually fined at the scene of crime (article 237). Only in case of refusal to pay the fine, administrative report is made (article 288). The Central Department of Internal Affairs fitted me up for participating in a non-authorised picket (!). As a result, me and other detained citizens faced illegal boundlessness.

To be just, I'd like to say that this operation was not leaded by the Central Department of Internal Affairs but by head of mass activities department of the City Department of Internal Affairs of the Minsk City Executive Committee captain (now major) Kandratsin. He was the only leader of city militia who left the Department only after the arrest permission was signed against the last of the detained. But as the Savetsky Department of Internal Affairs officials signed these documents, they have to bear responsibility by for violation of the Constitution and laws but not Mr. Kandratsin whose oral order can't be attacked to the criminal case. It's hard to count the violations made by the Savetsky Department during the detention. It's by far easier to enumerate those things, which they did not violate. I will note down only some of illegal and punishable acts.

— Illegal detention: Art. 241 doesn't authorise the militia to detain even the participants of non-authorized pickets.

— Illegal report on administrative violation for participation in non-authorised picket. Neither a presidential decree nor any other norm provides institution administrative proceedings against a person for participation (co-participation) in non-authorised political actions, - administrative detention overtime – we had been kept in the Department for hours instead of 3 hours.

— 3 days illegal arrest – Art. 242 doesn't permit keeping people in isolation before trial for breaking the public order and staging a picket.

I appealed against illegal acts of the Savetsky Department of Internal Affairs officials for which they can be instituted criminal proceedings against but the reply was the same: there is no crime in the acts of the Savetsky Department officials. It's happening just because in Belarus people have stopped being the only source of state power as Art. 3 of the Constitution says. Moreover our people turn out to be without any rights. The president is the only person in the country who has state power.

The Militia is engaged... in Kidnapping

I had been suffering from headache and noise in my ears for all 15 days in detention. I thought that malnutrition, and being in closed room without any fresh air had let to it. But on my leaving, noise and pain have not stopped I realised that it's likely to be the result of the blow against the car in which the Partyzansky Department of Internal Affairs militiamen had pushed me in handcuffs. But I hadn't managed to see the doctor. On my third day at liberty I was again brought in Akrestsin Street.

I didn't want but I had to ask the custody centre officials to give me the medical aid. The official on duty asked for my medical certificate. The two militiamen had to take me to the nearest clinic hospital, in Syamashka Street. There the doctors diagnosed a crania-cerebral injury and hospitalised me.

I can only guess what a dressing down the Savetsky Department militiamen were given from Mr. Kandratsin under whose order I had been arrested, for their failure to put me behind bars. I can judge about it by everyday telephone calls to hospital and by the fact that right after the medical examination and more precise diagnosis the doctors suggested me to leave the hospital for further treatment at polyclinic. But I failed to do it as I had been kidnapped from the hospital.

(To be continued)

(Continuation. Beginning in № 1)

The Right to Freedom. The Bulletin of the Human Rights Centre "Viasna". Address: 220013, Minsk, p/b 49. E-mail:vaisna 96@open.by Published twice a month in Belarusan, English and Russian languages. Circulation 299 copies. Editor-in-Chief Ales BYALATSKY.

In this number photos from the Centre "Viasna" archives are used.